

EXHIBIT A

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6
7 **IN THE UNITED STATES DISTRICT COURT**
8 **FOR THE DISTRICT OF ARIZONA**

9 IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

10 **FIRST AMENDED MASTER SHORT**
11 **FORM COMPLAINT FOR DAMAGES**
FOR INDIVIDUAL CLAIMS

12 Plaintiff(s) named below, for their Complaint against Defendants named below,
13 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc.364).
14 Plaintiff(s) further show the Court as follows:

15 1. Plaintiff:

16 David Pearson

17 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
18 consortium claim:

19 N/A

20 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
21 conservator):

22 N/A

- 1 4. Plaintiff's state(s) [if more than one Plaintiff] of residence at the time of
2 implant:

3 North Carolina

- 4 5. Plaintiff's state(s) [if more than one Plaintiff] of residence at the time of injury:

5 North Carolina

- 6 6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

7 North Carolina

- 8 7. District Court and Division in which venue would be proper absent direct filing:

9 United States District Court for the Eastern District of North Carolina, Southern
10 Division

- 11 8. Defendants (check Defendants against whom Complaint is made):

12 ☒ C.R. Bard Inc.

13 ☒ Bard Peripheral Vascular, Inc.

- 14 9. Basis of Jurisdiction:

15 ☒ Diversity of Citizenship

16 ☐ Other: _____

- 17 a. Other allegations of jurisdiction and venue not expressed in Master
18 Complaint:

19 _____
20 _____
21 _____

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☒ Recovery® Vena Cava Filter

☐ G2® Vena Cava Filter

☐ G2® Express (G2®X) Vena Cava Filter

☐ Eclipse® Vena Cava Filter

☐ Meridian® Vena Cava Filter

☐ Denali® Vena Cava Filter

☐ Other: _____

11. Date of Implantation as to each product:

June 18, 2004

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

- ☒ Count X: Breach of Express Warranty
- ☒ Count XI: Breach of Implied Warranty
- ☒ Count XII: Fraudulent Misrepresentation
- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable ~~Washington~~ North Carolina state Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
- ☐ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): _____ (please state the facts supporting this Count in the space immediately below)

N/A

RESPECTFULLY SUBMITTED this 25th day of April, 2016.

/s/ T. Matthew Leckman
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CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of April, 2016, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ T. Matthew Leckman